

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED
JAN 06 2014
Clerk, U.S. District Court
District Of Montana
Missoula

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RYAN NEALE SPOONER,

Defendant.

CR 09-90-BLG-DWM-CSO

ORDER

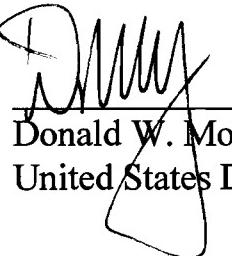
On December 20, 2013, United States Magistrate Judge Carolyn S. Ostby entered Findings and her Recommendations with respect to the December 11, 2013 Amended Petition to Revoke Defendant Ryan Neale Spooner's term of supervised release. (Docs. 64 and 57.) A Final Hearing on revocation of the Defendant's term of supervised release was held December 19, 2013. (Doc. 61.) The parties were notified of their right, within fourteen days, to file objections to the Findings and Recommendations. (Doc. 64 at 10-11.) Neither party timely filed an objection. Failure to object waives a party's right to review. Fed. R. Crim. P. 59(b)(2). Consistent with the Court's "full authority" to review the Findings and Recommendations under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error

exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Based on Spooner’s admission to the violations set forth in the Amended Petition, Judge Ostby recommends his supervised release be revoked. (Doc. 64 at 10.) Judge Ostby further recommends this Court enter the proposed Judgment attached to her Findings and Recommendations, (Doc. 64-1), and sentence Spooner to 10 months imprisonment with no term of supervised release to follow. (Doc. 64 at 10.) Judge Ostby’s Findings and Recommendations are without clear legal error.

IT IS ORDERED that Judge Ostby’s Findings and Recommendations, (Doc. 64), are ADOPTED IN FULL. Ryan Neale Spooner’s term of supervised release is revoked. Judgment will be entered by separate document.

DATED this 6 day of January, 2014.



Donald W. Molloy, District Judge
United States District Court